

1 PHILLIP A. TALBERT
2 Acting United States Attorney
3 VINCENTE A. TENNERELLI
4 ALEXANDRE M. DEMPSEY
5 Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

6 Attorneys for Plaintiff
7 United States of America

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9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 HUU TIEU,

15 Defendant.

16 CASE NO. 1:20-CR-00109-DAD-BAM

17 *AMENDED STIPULATION REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT; FINDINGS AND ORDER*

18 DATE: October 27, 2021

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

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20 **STIPULATION**

21 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
22 through defendant's counsel of record, hereby stipulate as follows:

23 1. By previous order, this matter was set for status on October 27, 2021.

24 2. By this stipulation, defendant now moves to continue the status conference until April 27,
25 2022, and to exclude time between October 27, 2021, and April 27, 2022, under Local Code T4.

26 3. The parties agree and stipulate, and request that the Court find the following:

27 a) The government has represented that the discovery associated with this case
28 includes has produced 3,120 documents comprised of 23,772 pages that includes investigative
reports, recordings, electronic evidence, and other voluminous documents. All this discovery has
been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to review discovery, discuss this

1 case with his client, and explore possible resolutions of this matter with his client and the
2 government.

3 c) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of October 27, 2021 to April 27,
12 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
13 T4] because it results from a continuance granted by the Court at defendant's request on the basis
14 of the Court's finding that the ends of justice served by taking such action outweigh the best
15 interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 21, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ VINCENTE A. TENNERELLI
VINCENTE A. TENNERELLI
Assistant United States Attorney

Dated: October 21, 2021

/s/ EDGAR H. SEVILLA III
EDGAR H. SEVILLA III
Counsel for Defendant
HUU TIEU

ORDER

IT IS SO ORDERED that the status conference is continued from October 27, 2021, to **April 27, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **October 22, 2021**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE